

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CEDRICK E. DRAPER,)	
)	
Plaintiff,)	Case No. 4:17-cv-00042
)	
v.)	<u>ORDER</u>
)	
MUY PIZZA HUT SOUTHEAST LLC,)	By: Hon. Jackson L. Kiser
et al,)	Senior United States District Judge
)	
Defendants.)	

Plaintiff has filed a Voluntary Dismissal pursuant to Rule 41 and requests that his voluntary dismissal “save statute of limitations under without prejudice circumstances within Civil procedure Rule 41.” (Voluntary Dismissal pg. 2, July 12, 2017 [ECF No. 21].) Accordingly, Plaintiff’s Voluntary Dismissal is hereby construed as a request for voluntary dismissal under Rule 41(a)(2), and the action is hereby **DISMISSED WITHOUT PREJUDICE**. All pending motions are hereby **DENIED AS MOOT**.¹

The clerk is directed to forward a copy of this Order to Plaintiff and to remove this case from the active docket of the Court.

Entered this 13th day of July, 2017.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE

¹ I advise Plaintiff that this dismissal makes no judgment on whether any future action would be timely. The EEOC “Dismissal and Notice of Rights” was mailed to Plaintiff on January 30, 2017, and his action must be brought within ninety days of his receipt of that letter.